



Diane Smith Daruty

Diane Smith Daruty has experience providing financial and business consulting services to clients in a variety of industries including construction and government contracts. Ms. Daruty's professional experience includes financial statement audits, investigations, and disputes involving public and private construction, government contracts, and general business matters.

In particular, she has extensive experience with the preparation and evaluation of complicated damage claims, fact finding for false claims and Qui Tam investigations, performing government contract compliance reviews, and providing investigation and consulting services related to accounting and pricing systems and practices. She has assisted prime and general contractors, subcontractors, and a diverse range of other clients.

In the construction industry, Ms. Daruty has experience in the preparation and evaluation of construction claims including changes, loss of productivity, interest, and delay (e.g., labor escalation, extended equipment rental, acceleration costs, equipment standby costs, and extended field and home office overhead). Her work has involved various claim methodologies including total and modified total cost, discrete claims, measured mile, comparison to similar projects, industry comparison data (e.g., Mechanical Contractors' Association), and Eichleay.

Her experience with construction claims has included:

- Fact finding and analyzing cost records and other data in the development of claims, as well as challenging the consistency of opposing-party claims and the underlying facts, and developing alternative claim positions, if appropriate.
- Managing the review and evaluation of contractor accounting and pricing systems, including the analysis of the propriety of such systems.
- Recommending changes to accounting systems to improve controls and reduce risk, and functioning in an oversight role in the creation of alternative cost systems.
- Reviewing and evaluating records and information obtained through written discovery, the deposition process, and other fact-finding methods.
- Working closely with technical, scheduling and project management consulting experts to assess the consistency and integration of findings and conclusions in the financial expert positions.

Ms. Daruty also has experience advising clients and conducting training sessions on compliance with government contract regulations. In particular, she has assisted clients with:

- Submission of changes and termination claims, including the defining of eligible costs, the appropriate methodology for presenting such costs, establishing the causal connection between the facts supporting entitlement to the claimed costs, and the gathering and presentation of the facts, evidence, and entitlement to such claims.
- Compliance with government cost principles and regulations as well as the policies for pricing government contracts (e.g., the Truth in Negotiations Act).

- Fact finding investigations of false claims, fraud, and defective pricing. She has also assisted in the investigation of issues raised by the Defense Contracting Audit Agency and disgruntled employees.

From 1985 through 1989, Ms. Daruty worked as a Certified Public Accountant with KPMG Peat Marwick. She worked in KPMG's audit group and functioned as senior auditor. In this capacity she managed audit teams of up to six auditors per engagement, functioned as lead client contact in the field, reviewed and tested internal controls, and worked with clients in drafting financial statements. The audited clients included hotels, car dealerships, manufacturing companies, banks, and real estate developers.

From 1992 through 2001 practiced as an attorney in general business litigation, construction litigation, and government contracts that involve litigation, consultation, false claims investigations and client training on various aspects of the Federal Acquisition Regulations.

Education and Professional Credentials

In 1985, Ms. Daruty graduated with honors with a degree in accounting from the University of Illinois, Urbana-Champaign. Shortly before receiving her undergraduate degree, she successfully completed the Certified Public Accountant examination.

In 1992, Ms. Daruty graduated from the University of California, Davis, School of Law, where she was a member of the Moot Court Board. She passed the California bar examination in November 1992.

Ms. Daruty is an elite marathon runner with a personal best time of two hours and 54 minutes. Ms. Daruty currently ranks approximately in the top 150 of female marathon runners in the United States.